



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,167	02/22/2002	Mark Tonack	20375-006600	8437

20350 7590 06/23/2005

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT PAPER NUMBER

2113

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/081,167

Applicant(s)

TONACK, MARK

Examiner

Michael C. Maskulinski

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Final Office Action**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 7-12, 14, 15, 20, 22, 23, 24, 26, 28, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Cogger et al., U.S. Patent 6,032,184.

Referring to claim 1:

- a. In column 3, lines 32-35, Cogger et al. disclose that to generate a trouble ticket from a user's remote customer workstation, a user first logs on to the Internet through any Internet access route, and then logs on to the enterprise Web-server (executing a computer program on an electronic terminal associated with the failed machine). Monitoring the machine or machines and detecting that a failure of at least one machine has occurred is inherent to the system of Cogger et al. because a failure condition must occur in order to provoke a person to generate a trouble ticket.
- b. In column 3, lines 62-67 continued in column 4, lines 1-8, Cogger et al. disclose that upon downloading of the prepopulated trouble report from the Web-server, the customer then enters information into a problem classification dialog (entering data relating to the condition of the failed machine into the computer program via the electronic terminal).

Art Unit: 2113

c. In column 4, lines 9-10, Cogger et al. disclose that finally the trouble ticket is submitted to the Customer Service Management System (transmitting the data to a database server, thereby initiating a process to alter the condition of the failed machine).

Referring to claim 2, in column 4, lines 5-8, Cogger et al. disclose that the remarks section of the trouble ticket provides a historical record of the commentary that is provided by either the user or a service organization that has been assigned the trouble ticket (compiling historical data relating to the condition of the one or more machines using the database server).

Referring to claim 3, in figures 6-10, Cogger et al. disclose an electronic terminal that includes a monitor and further comprising displaying screen displays having data fields.

Referring to claim 7, in Figure 6, Cogger et al. disclose at least a first of the data fields includes a drop-down menu having a plurality of codes relating to potential conditions of the one or more machines.

Referring to claim 8, in Figure 6, Cogger et al. disclose entering data relating to the condition of the one or more machines includes selecting a code from the drop-down menu relating to the condition of the one or more machines.

Referring to claims 9 and 23, in Figure 7 and in column 14, lines 52-54, Cogger et al. disclose that the questions and answers pertaining to the trouble code are electronically entered into the remarks list of the trouble ticket (at least a second of the data fields includes a text area for entering operator notes).

Referring to claim 10, in Figure 7 and in column 14, lines 52-54, Cogger et al. disclose that the questions and answers pertaining to the trouble code are electronically entered into the remarks list of the trouble ticket (wherein entering data relating to the condition of the one or more machines includes entering operator notes into the text area for entering operator notes).

Referring to claims 11 and 24, in Figure 7, Cogger et al. disclose that the screen displays also include one or more electronic buttons for use with a pointing device to initiate certain operations.

Referring to claim 12, in Figure 7, specifically reference number 410, Cogger et al. disclose entering data with the pointing device and selecting an electronic button, thereby initiating transmitting the data to the database server.

Referring to claims 14 and 26, in Figure 6, Cogger et al. disclose at least a third one of the data fields includes a drop-down menu having a plurality of codes relating to potential repair activities required due to the failure of the machine.

Referring to claim 15, in Figure 6, Cogger et al. disclose selecting a code from the drop-down menu relating to a repair activity required due to the failure of the machine.

Referring to claim 20:

- a. In column 3, lines 32-35, Cogger et al. disclose that to generate a trouble ticket form a user's remote customer workstation, a user first logs on to the Internet through any Internet access route, and then logs on to the enterprise Web-server (a database server, including a communications connection that

provides electronic access to one or more remote locations, including the remote locations where the various machines are located).

b. In column 14, lines 52-56, Cogger et al. disclose that the trouble tickets are transmitted to the customer service management system for storage in a trouble ticket database (wherein the database server is configured to receive information from each of the one or more remote locations relating to the condition of the machine or machines at the location, wherein the database server is configured to store the information electronically such that the information may be later analyzed).

c. In column 4, lines 9-10, Cogger et al. disclose that finally the trouble ticket is submitted to the Customer Service Management System (wherein the database server is further configured such that, upon receipt of a request from a remote location, the database server transmits an alert to the remote location, thereby initiating a process to alter the condition of the machine).

Referring to claim 22:

a. In column 6, lines 14-22, Cogger et al. disclose a graphical user interface (a monitor that graphically displays a user interface). A computer including a central processor would be inherent to the workstation disclosed by Cogger et al.

b. In Figure 6, Cogger et al. disclose at least a first of the data fields includes a drop-down menu having a plurality of codes relating to potential conditions of the one or more machines.

Art Unit: 2113

- c. In column 3, lines 62-67 continued in column 4, lines 1-8, Cogger et al. disclose creating a trouble ticket via a Web-server (a data entry system that responds to commands to enter data into various ones of the elements; a communications arrangement for electronically interfacing to a central location).
- d. In column 14, lines 52-56, Cogger et al. disclose that the trouble tickets are transmitted to the customer service management system for storage in a trouble ticket database (the central location being configured to electronically access one or more remote locations, including the location where the one or more machines to be maintained is/are located).
- e. In column 4, lines 9-10, Cogger et al. disclose that finally the trouble ticket is submitted to the Customer Service Management System (wherein the central location is further configured to receive information from each of the one or more remote locations relating to the condition of a machine or machines at the location, wherein the central location is also configured to store the information electronically such that the information may be later analyzed, wherein the central location is further configured such that upon receipt of a request from a remote location, the central location sends an alert to the remote location, thereby initiating a process to alter the condition of the machine).

Referring to claim 28:

- a. In column 3, lines 31-35, Cogger et al. disclose generating a trouble ticket from a user's remote customer workstation (at least one machine, the maintenance of which is to be coordinated).

- b. In column 3, lines 62-67 continued in column 4, lines 1-8, Cogger et al. disclose entering data into a prepopulated trouble ticket through the use of a user interface (a controller associated with the machine, including a monitor and a data input device, wherein the controller is configured to receive data relating to the condition of the machine).
- c. In column 4, lines 9-11, Cogger et al. disclose that the trouble ticket is submitted to the Customer Service Management System (the controller is further configured to transmit the data to at least a second location).
- d. In column 14, lines 52-56, Cogger et al. disclose that the trouble tickets are transmitted to the customer service management system for storage in a trouble ticket database (a database server and a communications connection that provides electronic access to other locations, wherein the database server is configured to receive information from the controller relating to the condition of the machine or machines, wherein the database server is configured to store the information electronically such that the information may be later analyzed).
- e. In column 16, lines 3-18, Cogger et al. disclose that an originating organization refers the trouble ticket to a service organization (wherein the database server is further configured such that upon receipt of a request, the database server causes an alert to be transmitted to another location, thereby initiating a process to alter the condition of the machine; and a remote computer configured to receive the alert, wherein the remote computer is further configured to relay the content of the alert to a maintenance technician).



Art Unit: 2113

Referring to claim 32:

- a. In column 3, lines 32-35, Cogger et al. disclose that to generate a trouble ticket from a user's remote customer workstation, a user first logs on to the Internet through any Internet access route, and then logs on to the enterprise Web-server. Further, in column 3, lines 62-67 continued in column 4, lines 1-8, Cogger et al. disclose that upon downloading of the prepopulated trouble report from the Web-server, the customer then enters information into a problem classification dialog (means for compiling a message containing information relating to the condition of the failed machine). A means for monitoring the one or more machines and a means for detecting that a failure of at least one machine has occurred is inherent to the system of Cogger et al. because a failure condition must occur in order to provoke a person to generate a trouble ticket.
- b. In column 4, lines 9-10, Cogger et al. disclose that finally the trouble ticket is submitted to the Customer Service Management System (means for causing the message to be transmitted to a remote location).
- c. In column 16, lines 3-18, Cogger et al. disclose that an originating organization refers the trouble ticket to a service organization (the remote location being configured to receive and process the message, and depending on the content thereof, transmit an alert to a different location, thereby initiating a service call to a maintenance technician).

***Claim Rejections - 35 USC § 103***

Art Unit: 2113

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 4-6, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger et al., U.S. Patent 6,032,184, and further in view of Jones et al., U.S. Patent 6,219,648 B1.

Referring to claims 4-6, 30, and 31, in column 16, lines 3-18, Cogger et al. disclose that an originating organization refers the trouble ticket to a service organization. However, Cogger et al. don't explicitly disclose transmitting the data to an email server, thereby initiating a process to transmit an alert to a maintenance technician by personal pager or by an electronic mail message. In column 2, lines 24-32, Jones et al. disclose that the notification may comprise an alphanumeric or digital page, an e-mail message, an X-window terminal message and/or other types of electronic messages containing various information regarding the trouble ticket. It would have been obvious to one of ordinary skill at the time of the invention to include the messaging of Jones et al. into the system of Cogger et al. A person of ordinary skill in the art would have been motivated to make the modification because there is a need to contact a technician in the system of Cogger et al. as shown in column 16, lines 3-18 and the messaging means of Jones et al. provide a suitable solution considering both Jones et al. and Cogger et al. have systems for trouble tickets in a telecommunications services environment.

Art Unit: 2113

5. Claims 13, 21, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger et al., U.S. Patent 6,032,184, and further in view of Levi, U.S. Patent 6,658,586 B1.

Referring to claims 13, 21, 25, and 29, in column 1, lines 17-20, Cogger et al. disclose that the invention relates generally to an Internet enabled communications network fault management tool, and more specifically is directed toward a system and method for interactive trouble reporting and monitoring. However, Cogger et al. don't explicitly disclose that the machine or machines includes mail processing equipment. In column 4, lines 8-13, Levi discloses that a machine that may be monitored over a network includes a server, a workstation, a personal computer, a laptop, a soft drink dispensing machine, a network postage machine, a printer, a personal digital assistant, a heating/ventilation/air conditioning (HVAC) system or another suitable device. It would have been obvious to one of ordinary skill at the time of the invention to include the monitored devices of Levi into the system of Cogger et al. A person of ordinary skill in the art would have been motivated to make the modification because Cogger et al. disclose a network with devices attached to it that report trouble tickets. Any of the devices in the system of Levi would be connected to the network of Cogger et al. and would have a need to report trouble tickets as shown in column 4, lines 12-25 of Levi.

6. Claims 16-19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger et al., U.S. Patent 6,032,184, and further in view of Walker et al., U.S. Patent 5,963,911.

Referring to claims 16, 17, and 27, in column 14, lines 63-67 continued in column 15, lines 1-2, Cogger et al. disclose that after the trouble ticket is referred to a particular service organization, that organization can also add additional commentary that is readable by the customer as he monitors the trouble ticket activity. Thus, the remarks list provides a convenient historical record of the indirect communication between the customer and the set of service organizations that are assigned to resolve the network event. However, Cogger et al. don't explicitly disclose at least a fourth one of the data fields includes a text area for entering information relating to the amount of time required to repair the machine and entering data relating to the amount of time required to repair the machine into the fourth one of the data fields. In column 6, lines 25-36, Walker et al. disclose calculating the amount of time the technician would take to perform each job. It would have been obvious to one of ordinary skill at the time of the invention to include the calculation of the amount of time the technician would take to perform each job of Walker et al. into the data fields of Cogger et al. A person of ordinary skill in the art would have been motivated to make the modification because it is important to any company or individual to know the length of downtime for a failure in order to adjust work schedules and productivity quotas.

Referring to claims 18 and 19, in column 14, lines 63-67 continued in column 15, lines 1-2, Cogger et al. disclose that after the trouble ticket is referred to a particular service organization, that organization can also add additional commentary that is readable by the customer as he monitors the trouble ticket activity. Thus, the remarks list provides a convenient historical record of the indirect communication between the

customer and the set of service organizations that are assigned to resolve the network event. However, Cogger et al. don't explicitly disclose at least a fifth one of the data fields includes a text area for displaying information relating to the amount of time a repair technician spends taking breaks while altering the condition of the failed machine and entering information relating to the amount of time spent taking breaks into the fifth one of the data fields. In column 14, lines 17-24, Walker et al. disclose taking into account the amount of time required by the technician if a the technician needs to take a meal break. It would have been obvious to one of ordinary skill at the time of the invention to include the calculation of the amount of time the technician would take to for a meal break of Walker et al. into the data fields of Cogger et al. A person of ordinary skill in the art would have been motivated to make the modification because it is important to any company or individual to know the length of downtime for a failure in order to adjust work schedules and productivity quotas.

#### ***Response to Arguments***

7. Applicant's arguments filed June 1, 2005 have been fully considered but they are not persuasive.

8. Under the section Claim Rejections Under 35 U.S.C. § 102(b), the Applicant argues, "claim 1 includes the limitations, 'monitoring the machine or machines; detecting that a failure of at least one machine has occurred; [and] executing a computer program on an electronic terminal associated with the failed machine.' Cooger does not teach this. Cooger appears to teach a trouble ticket tracking system for computer networks. The office action says that monitoring machines and detecting a failure are inherent.

Art Unit: 2113

This, however, cannot be so since Cooger relates to monitoring networks, not machines, and inherent features must be present under the doctrine of inherency.

Hence, Cooger does not appear to anticipate the Applicant's claims invention at least for this reason." The Examiner respectfully disagrees. A machine is a mechanically, electrically, or electronically operated device for performing a task.<sup>1</sup> Since the computer network of Cogger et al. is comprised of electrically operated devices for performing tasks, the computer network of Cogger et al. has machines. Further, since the user of Cogger's system reports failures and sends trouble tickets, the user inherently monitors the network of machines and detects errors.

9. Under the section Claim Rejections Under 35 U.S.C. § 102(b), the Applicant argues, "More importantly, however, Cooger does not teach executing a computer program on an electronic terminal associated with the failed machine." The Examiner respectfully disagrees. In column 3, lines 31-34, Cogger et al. disclose that the user generates a trouble ticket from a customer workstation. This is an electronic terminal.

10. Under the section Claim Rejections Under 35 U.S.C. § 102(b), the Applicant argues, "Claim 20 is believed to be allowable since Cooger does not appear to teach a database server configured such that 'upon receipt of a request from a remote location, the database server transmits an alert to the remote location, thereby initiating a process to alter the condition of the machine.'" Cooger appears to be limited to a system that enables customers to monitor the status of trouble tickets and mentions nothing about sending alerts." The Examiner respectfully disagrees and is unsure as to

---

<sup>1</sup> Merriam-Webster's Collegiate Dictionary, Tenth Edition.

what the Applicant is trying to say. In column 4, lines 9-10, Cogger et al. disclose that finally the trouble ticket is submitted to the Customer Service Management System, which then acts upon the trouble ticket to fix the problem (wherein the database server is further configured such that, upon receipt of a request from a remote location, the database server transmits an alert to the remote location, thereby initiating a process to alter the condition of the machine). The section cited doesn't even mention a customer monitoring the status of a trouble ticket and the Examiner is unsure as to how this ties in.

11. Under the section Claim Rejections Under 35 U.S.C. § 102(b), with respect to the Applicant's arguments of claims 22 and 28, the Examiner respectfully disagrees for at least the reasons above.

12. Under the section Claim Rejections Under 35 U.S.C. § 102(b), the Applicant argues, "Claim 32 includes a remote location configured to transmit an alert to a different location. This limitation was addressed generally above with respect to claim 20." The Examiner respectfully disagrees. In column 16, lines 3-18, Cogger et al. disclose that an originating organization refers the trouble ticket to a service organization (the remote location being configured to receive and process the message, and depending on the content thereof, transmit an alert to a different location, thereby initiating a service call to a maintenance technician). Again, the section cited doesn't even mention a customer monitoring the status of a trouble ticket and the Examiner is unsure as to how this ties

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100